REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 2-4, 6, 8-9, 15-18, 20-22, 26-28, and 33-34; claims 1, 5, 7, 10-11, and 14 were previously canceled; and claim 35 has been added. Accordingly, claims 2-4, 6, 8, 9, 12-13, and 15-35 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 2-4, 6, 8, 9, 12, 13 and 15-34 under 35 U.S.C. § 102(e) as being anticipated by Nokia Telecommunications (WO 98/36146). The Applicants have amended the claims to better distinguish the claimed invention from Nokia. The Examiner's consideration of the amended claims is respectfully requested.

The wording of the Office Action indicates that the Examiner may have several misconceptions about the claimed invention, and some of these may be due to differences in terminology. First, the Examiner has equated the Applicants' resegmentation indicator with the frame number disclosed in Nokia. However, this is incorrect. Frame numbers (or bits representing them) are returned by the receiver to the transmitter to merely identify which frames were not correctly received by the receiver (this is also referred to as a negative acknowledgment or NACK). The Applicants' invention also uses negative acknowledgments (as well as positive acknowledgments) for this purpose, but uses the segmentation indicator, or a mode preference indicator, in addition. Independent claims 9, 22, 28, and 33 have been amended to positively recite sending indications from the receiving entity to the transmitting entity identifying initial blocks of data that could not be decoded (e.g., frame numbers), separate from the use of the resegmentation indicator. This emphasizes that the use of frame numbers is a different function than the use of the resegmentation indicator. While the frame number tells the transmitter which frames to retransmit, the resegmentation indicator tells the transmitter how to do it. For example, the

resegmentation indicator may instruct the transmitter to segment the retransmitted data blocks into larger or smaller blocks. This feature is not taught or suggested by Nokia.

Another misconception may arise from the fact that modulation/coding schemes (MCSs) are sometimes referred to as "modes". The Examiner seems to have equated the Applicants' "operating mode" with MCSs, but this is incorrect. The MCS is utilized to encode the data blocks prior to transmission. The operating mode is a procedure performed by the transmitter and the receiver to ensure that the data blocks are properly delivered and decoded. The procedure may include selecting the best MCS for a given link quality, but is not limited to selecting an MCS. For example, when using the incremental redundancy operating mode, the procedure also includes sending additional redundant subblocks of data to the receiver for joint decoding with the initial subblocks of data that could not be decoded. In the Applicants' claimed invention, the receiver requests that the data blocks be retransmitted using the incremental redundancy operating mode only when the receiver determines that its subblock memory has sufficient memory space to store both the initial subblocks of data that could not be decoded and the retransmitted additional redundant subblocks of data. This feature is not taught or suggested by Nokia.

Another misconception is that the Examiner has equated the memory in the Applicants' claimed receiver with the receive buffer in Nokia. However, this is incorrect. These are two separate memory devices, which perform different functions. The claims have been amended to refer to the claimed memory as a subblock memory. In the Applicants' claimed receiver, initial subblocks of data that cannot be decoded are stored in the subblock memory. Successfully decoded subblocks, on the other hand, are recombined during decoding into complete data blocks, and the complete data blocks are then stored in the receive buffer until accepted by the end user.

Independent claims 15, 17, and 20 have been amended to clarify that the subblock memory and the receive buffer are different memory devices, performing different functions. The flow control method disclosed in Nokia is designed to prevent the receive buffer from overflowing with decoded complete data blocks, but Nokia does not teach or suggest a memory such as the Applicants' subblock memory. The Applicants' subblock memory may fill up if there are a number of initial data blocks that

cannot be successfully decoded, and the incremental redundancy operating mode is being used to transmit additional redundant data blocks for joint decoding. Therefore, the receiver requests that the data blocks be retransmitted using the incremental redundancy operating mode only when the receiver determines that its subblock memory has sufficient memory space to store both the initial data blocks and the retransmitted additional redundant data blocks. This feature is not taught or suggested by Nokia.

The Applicants believe that with a proper understanding of the differences between the resegmentation indicator and frame numbers; operating modes and coding schemes; and the subblock memory and the receive buffer, the amended claims are in condition for allowance.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2-4, 6, 8, 9, 12-13, and 15-35.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

Steven W. Smith

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Steven W. Smith
Registration No. 36,684

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-1572
steve.xl.smith@ericsson.com